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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the Application of:

CHASTEEN ET AL.

Serial No.: 09/757,362

Filed: January 8, 2001

Atty. File No.: 1604-373

For: "SMALL OPENING BEVERAGE
CAN END ADAPTED FOR
RECEIVING A STRAW"

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 CFR §1.137 and MPEP § 711.03(c) the Applicants respectfully request revival of their above-listed application due to an UNINTENTIONAL delay in responding to a Notice to File Corrected Application Papers (the "Notice") mailed February 21, 2001. This Petition to Revive is promptly being filed following receipt of an abandonment letter mailed by the USPTO on August 28, 2002, and the entire delay from the due date for the Notice until the filing of this Petition was UNINTENTIONAL.

The Notice, which concerned minor, non-formal drawing margin corrections, was mailed with the above-listed application's filing receipt and duly docketed. Unfortunately, the Notice was unintentionally misfiled by the Attorney's support staff so the Applicants' Attorney was unable at a later date to locate the Notice and believed the docket entry to be in error. On August 28, 2002 the Notice of Abandonment was received by the Applicants' Attorney, at which time the matter was

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SEP 13 2002

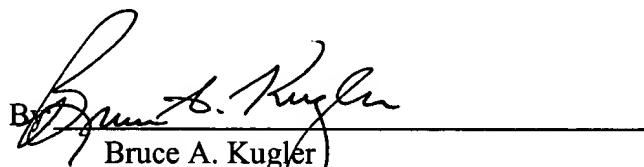
OFFICE OF PETITIONS

immediately investigated and the misfiled documents were located. Subsequently, the appropriate documents for revival based on UNINTENTIONAL delay were expeditiously drafted.

To expedite your assessment of the Applicants' request, attached herein please find PTO form SB 64, as well as a check for the fee of \$1,240.00. Thank you in advance for your consideration of this matter, and if there should be any questions, the Assistant Commissioner is encouraged to contact the undersigned attorney at the Examiner's earliest convenience.

Respectfully submitted,

SHERIDAN ROSS P.C.



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Denver, Colorado 80202-5141
(303) 863-9700

Date: 9/9/02



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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
1604-373

First named inventor: Chasteen

Application No.: 09/757,362

Art Unit: 3727

Filed: January 8, 2001

Examiner: Not Identified

Title: SMALL OPENING BEVERAGE CAN END
ADAPTED FOR RECEIVING A STRAWAttention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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1. Petition fee

 Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$1240.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Corrected Drawings Per 37 CFR 1.84 (identify type of reply): has been filed previously on _____
 is enclosed herewith.

B. The issue fee of \$_____.

 has been paid previously on _____
 is enclosed herewith.

1240.00 00

09/24/2002 AKELLEY 00000007 191970 09757362

01 FC:141

40.00 CH 1240.00 OP

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Adjustment date: 09/24/2002 AKELLEY
09/12/2002 SSITHIB1 00000148 09757362
01 FC:197 -1240.00 OP

09/12/2002 SSITHIB1 00000148 09757362

01 FC:197



PTO/SB/64 (10-01)

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3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

9/9/02

Date

Telephone
Number: (303) 863-2992

Signature

Bruce A. Kugler

Typed or printed name

1560 Broadway, Suite 1200

Address

Denver, Colorado 80202

Enclosures: Fee Payment
 Reply
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unintentional delay
 Other: _____

"EXPRESS MAIL" LABEL NUMBER: EV 190610867 US

DATE OF DEPOSIT: September 9, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE
AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER
FOR PATENTS, WASHINGTON, D.C. 20261.

TYPED OR PRINTED NAME: Ginger Benenkamp

SIGNATURE: Ginger Benenkamp